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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,036	09/26/2001	John Joseph Mazzitelli	10015525-1	9901

7590

10/03/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

LIN, KELVIN Y

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,036

Applicant(s)

MAZZITELLI, JOHN JOSEPH

Examiner

Kelvin Lin

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Detailed Action

Response to Arguments

Affidavit or Declaration under 37 CFR 1.131: Ineffective

1. The affidavit filed on 7/19/05 under 37 CFR 1.131 has been considered but is ineffective to overcome the Yepishin et al. (US PG Pub No. 2003/0080994).
2. The reference is a U.S. patent or U.S. patent application publication of a pending or patented application that claims the rejected invention. An affidavit or declaration is inappropriate under 37 CFR 1.131(a) when the reference is claiming the same patentable invention, see MPEP § 2306. If the reference and this application are not commonly owned, the reference can only be overcome by establishing priority of invention through interference proceedings. See MPEP Chapter 2300 for information on initiating interference proceedings. If the reference and this application are commonly owned, the reference may be disqualified as prior art by an affidavit or declaration under 37 CFR 1.130. See MPEP § 718.
3. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the August 28, 2001 reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). Because the basic inventive concept, HTTP cookie proxy in the affidavit, fails to indicate in the applicant's claim. Therefore the rejection is maintained.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-23 are rejected under 35 USC 102(e) as being anticipated

by Yepishin et al., (PG Pub 20030080994).

6. Regarding claim 1, Yepishin teaches a method for managing state data, comprising:

- identifying state data from a response structured using an Internet communications protocol to be delivered to a uniquely identifiable client enabled to communicate using the Internet communications protocol (Yepishin, p.1, [0015], l. 1-3, p.4, [0087], l.2-4);
- associating the state data with the client (Yepishin, p.4, [0087], l.5-8);
- storing the state data in a data storage area remote from the client (Yepishin, p.8, [0164], l.4-5, l.8-10, p.8, [0166], l.10-14) ; and
- delivering the response to the client (Yepishin, p.8, [0159], l.1-4).

7. Regarding claim 2, Yepishin further discloses the method of claim 1, further comprising:

- receiving a request structured using the Internet communications

protocol from the client (Yepishin , p1, [0004], l. 4-6);

- identifying a client ID of the client (Yepishin, p.9, [0176], p.11, [0203],l.9-20);
- modifying the request by adding the state data from the data storage area to the request; and sending the modified request to a web server (Yepishin, p.4, [0090], l.1-6, p.7, [0151]).

8. Regarding claim 3, Yepishin further discloses the method of claim 2, further comprising:

- determining whether the client ID is recognized (Yepishin, p.9, [0176]); and
- modifying the request by adding the state data from the data storage area to the request if the client ID is recognized (Yepishin, p.9, [0181]) .

9. Regarding claim 4, Yepishin further discloses the method of claim 1, wherein the client is a wireless device (Yepishin, p.4, [0092], l.6-9).

10. Regarding claim 5, Yepishin further discloses the method of claim 4, wherein the client utilizes one of the protocols from the group consisting of a wireless application protocol and a HyperText Transfer protocol (Yepishin, p. 5, [0094], l.26-33, [0104]).

11. Regarding claim 6, Yepishin further discloses the method of claim 1, wherein the data storage area comprises a database (Yepishin, p.9, [0176],l.1-3).

12. Regarding claim 7, Yepishin further discloses the method of claim 1, further

comprising associating the state data with the client using a database (Yepishin, p.9, [0183]).

13. Regarding claims 8-12, have similar limitations as claims 1-5.

Therefore, claims 8-12 are rejected for the same reasons set forth in the rejection of claims 1-5.

14. Regarding claim 13, Yepishin further discloses the method of claim 8, wherein the application comprises at least one class implemented in the JAVA language (Yepishin, p.5, [0105]).

15. Regarding claims 14-15, have similar limitations as claims 6-7.

Therefore, claims 14-15 are rejected for the same reasons set forth in the rejection of claims 6-7.

16. Regarding claims 16-22, have similar limitations as claims 1-7.

Therefore, claims 16-22 are rejected for the same reasons set forth in the rejection of claims 1-7.

17. Regarding claim 23, Yepishin further discloses the application of claim 16, wherein the application software comprises one of a plurality of receivers in the server, the receivers each operable to receive and transfer message using a unique protocol (Yepishin, p.10, [0191], I.1-12).

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTH from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

09/29/05

KYL


KAMINI SHAH
PRIMARY EXAMINER